

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TIMIA CHAPLIN, and PAULINO
CASTELLANOS, on behalf of
themselves and all others
similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his
official capacity as the
Sheriff of Wake County,
BRIAN ESTES, in his
Official capacity as the
Sheriff of Lee County,
TYLER TECHNOLOGIES, INC.,
JOHN DOE SURETY, as the
surety for the Sheriff
of Wake County Defendant,
JOHN DOE SURETY, as surety
for the Sheriff of Lee
County, and DOES 1 THROUGH
20, INCLUSIVE,

Defendants.

1:23-cv-423

ORDER

This matter comes before the court upon Plaintiffs' Motion to Extend Time to File Amended Complaint. (Doc. 29.) Plaintiffs move the court for permission to extend the time to respond Defendants' motions to dismiss or to file an amended complaint by one week until November 3, 2023. All Defendants consent to this motion, (see Doc. 29 at 1). Having considered the motion, with the consent of Defendants, and for good cause shown, the

court finds that Plaintiffs' motion should be granted.

Plaintiffs filed a First Amended Complaint, (Doc. 30), on October 27, 2023. The amended complaint is deemed timely filed.

Plaintiffs' Amended Complaint is now the operative pleading and renders the Complaint, (Doc. 1), of no legal effect. See Young v. City of Mount Rainer, 238 F.3d 567, 572 (4th Cir. 2001). Because the motions to dismiss filed by Defendants, address the now inoperative Complaint, (Doc. 1), the motions are rendered moot. Consequently, this court will deny Defendants Estes, Rowe, and Tyler Technologies' motions to dismiss, (Docs. 10, 15, 19), without prejudice to filing new motions if warranted.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Extend Time to File Amended Complaint, (Doc. 29), is **GRANTED**, and that Plaintiffs' First Amended Complaint-Class Action, (Doc. 30), is deemed timely filed.

IT IS FURTHER ORDERED that Brian Estes' Motion to Dismiss, (Doc. 10), Defendant Wake County Sheriff Willie Rowe's Motion to Dismiss, (Doc. 15), and Defendant Tyler Technologies, Inc.'s Motion to Dismiss, (Doc. 19), are denied as moot without prejudice to filing new motions if warranted.

This the 30th day of October, 2023.


United States District Judge